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ABSTRACT

This report provides board policy samples and other policy resources on academic freedom. The intent in providing policy samples is to encourage thinking in policy terms and to provide working papers that can be edited, modified, or adapted to meet local requirements. Topics covered in the samples include (1) textbook/supplementary materials selection and adoption, (2) use of resource speakers, (3) library services, (4) study of controversial issues, and (5) handling of complaints about instructional materials. (Author/JF)

JUN 5 1973

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SCHOOL BOARD POLICIES on ACADEMIC FREEDOM

#73-20

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This is one of a continuing series of kit-booklets issued to help school boards develop written policies in key subject areas. All policy samples and other policy resources reproduced herein have been selected from the files of the Policy Information Clearinghouse of the National School Boards Association's Educational Policies Service (EPS/NSBA) and coded to the EPS/NSBA policy codification system.

The intent in providing policy samples is to encourage thinking in policy terms; to provide "something to start with"--working papers to be edited, modified, or adapted to meet local requirements. Administrators of EPS/NSBA member organizations should file this booklet for continuing reference in their master copy of the Educational Policies Reference Manual.

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EPS File: IAA--Academic Freedom

SCHOOL BOARD POLICIES ON ACADEMIC FREEDOM

No. 73-20 May, 1973

> academic freedom. 1. freedom of a teacher to discuss any social, economic, or political problem without interference or penalty from officials, organized groups, etc. 2. freedom of a student to explore any field or hold any belief without interference from the teacher.
>
> --*Random House Dictionary of the English Language*

School boards need policies on academic freedom and related topics--book selection, teaching controversial issues, the handling of public complaints, etc. But one fact must be made clear at the outset. It is beyond the power of a local board of education to either grant academic freedom or deny it. The concept is implied in the nation's first "policy document"--the United States Constitution, particularly the Bill of Rights. And the metes and bounds of academic freedom have been, are, and will continue to be defined by courts of law, not school boards.

Nevertheless, the need for written school board policies remains immensely important. Clearly written, well-conceived policies can serve to educate the public about the meaning of academic freedom. They can articulate the difference between "freedom" and "license" for teachers and students. They can stand as bulwarks to protect staff from irresponsible and ill-advised attacks. And they can safeguard the public school's mission to provide a well-rounded, thorough educational program that reflects 20th century knowledge and needs, and they can advance an understanding of democratic principles.

If the concept of academic freedom is honored by the school board, classrooms and laboratories will truly operate in a sunshine environment. The shades will not be drawn over that teacher or this book or method because of pressure from a self-appointed censor.

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WHAT'S AT STAKE?

To put the question of academic freedom into perspective, it is useful to see where the concept came from. As an idea, intellectual liberty existed long before the "establishment of true schools and universities," notes Dr. Willis N. Potter who in 1968 studied the issue for the California School Boards Association. "The first man to break the bonds of servitude of the mind," he adds, "may have been some tutor-slave of dim prehistory who was beaten for teaching his owner's son an idea unacceptable to the folkways. In such a case the slave had no defense. He was subject to the judgment of his master, who in turn was a slave to the rigid creeds and customs of his folk."

Academic freedom has come a long way since a famous teacher was forced to drink hemlock for teaching controversial subjects. After Socrates's martyrdom, his student, Plato, solved part of the problem by isolating the academy from society.

In America, however, the public schools have always been in the mainstream of the community and guided by the community's representatives, school board members. And the schools have traditionally been charged with the responsibility to train young citizens for roles in a democratic society.

It should be emphasized, however, that academic freedom--and the other basic freedoms such as freedom of speech, religion, and the press--exist only within the context of our culture at any given time and place. They are by no means absolute. Along with other democratic goals, they may grow, or erode, or disappear completely depending on what care is taken of them by all the people in society.

School boards then, are involved in a critical national issue of much broader significance than their particular districts. Academic freedom is an essential for responsible teachers. It enables them to get on with the job of training the country's young for the difficult task of making a democratic society serve the needs of all.

> *"In a free society the principle of intellectual liberty stands among the fundamental and essential truths that sustain the republic. The principle is extremely complex in its application, involving all the means of expression and communication which may exist in a democratic setting. But wherever men look to their schools as among the most valued of their institutions, that special aspect of intellectual liberty known as academic freedom has an eminent place."*
>
> --Willis N. Porter in Academic Freedom, a guideline publication of the California School Boards Association, April, 1968

If the concept is so vital to schools and to society, why do people try to limit academic freedom? The usual reason is fear. Fear of indoctrination. Fear that morals or patriotism will be corrupted. Fear of change and anything new. What seems to some to be creative and imaginative teaching at high professional standards seems to others to be license. And some misguided teachers have tried to take license and run with it, while calling it academic freedom. In the classroom, as in society as a whole, the balance is hard to achieve between the rights of all persons and the right (or license) for just one person at the expense of others. The major problems in writing policies in this area is to strike the balance between rights and responsibilities, and to safeguard the constitutional rights of all. Several court decisions have helped hammer out some useful guidelines on what academic freedom is, and what it is not.

THE COURTS

Because board policies must be able to withstand court tests, it's important to understand what tests the courts have applied in cases involving academic freedom. It's risky to generalize about trends in court decisions, but these reference points may be useful.

First, the courts must weigh the so-called balance-of-interest concept on a case-by-case basis. This concern was expressed above in the delicate matter of weighing the freedom of all persons against the freedom of just one person. For each case the court's question is, "Which is more important in this case, the interest of the state or the freedom of, say, an individual teacher?"

If the freedom of the individual in question is a basic freedom, such as the freedom of speech, the courts apply stringent constitutional rules to guard the individual's full expression of his rights.

Second, the courts are looking more closely at teacher dismissal procedures. A teacher's due process rights must be observed in any controversy over academic freedom.

Here by way of examples are three decisions of interest.

An English teacher in New York wore a black armband to class to protest the Viet Nam war, and was supported by the court. Why? Because the facts of the case made it clear that the armband provoked no major disruptions of education or discipline in the school. Addressing the broader role of the schools, the court stressed the need to introduce students to political debate and a variety of issues rather than teach them under a "pall of orthodoxy which chokes freedom of dissent." The Bill of Rights guarantees that an individual may reasonably express alternate, frequently unpopular, opinions without being smothered by prevailing attitudes and opinions. If the teacher's armband had actually provoked substantial disruption of the school's activities, the authorities would have had a much stronger case for punishing the teacher. Because no disruption took place, the teacher was well within his rights to wear the armband, said the court.

In the second case, the courts backed up a Texas high school civics teacher who was fired for "insubordination" after he taught a unit on prejudice and race relations. The court declared that a responsible teacher must have the right to use his professional tools as he sees fit, and can't be constrained from adapting courses of instruction to the times in which we live.

But in a third case, a federal court upheld the dismissal of an Indiana social studies teacher. He allegedly used the classroom as a forum for personal opinions in attacking marriage, advocating polygamy, and criticizing his colleagues, without presenting other points of view. This teacher had, according to the court, confused license with academic freedom and forfeited his protection of the Bill of Rights in regard to speech. The Bill of Rights still protected the teacher as far as due process was involved.

In case after case, teachers have appealed punishment inflicted because they expressed attitudes or encouraged activities that some considered disruptive or distasteful. In the courts' eyes, the teacher's right to free speech is protected by the full weight of the Constitution up to the point where there is actual substantial disruption of school activity. Today's students require teachers who exercise professional and intellectual judgment to inspire and challenge them. Such teachers are conspicuous targets for those who would restrict or deny academic freedom in order to maintain the status quo.

To summarize, a teacher's academic freedom is keyed to how appropriate his teaching is in terms of educational value to his students, given their age and sophistication and ability to learn from teacher's activities. Within this flexible guideline, teachers can expect the support of educational policies and of the courts. If a rule or policy is reasonable in striking a balance between freedom and license, then it stands a good chance of support on constitutional grounds. It is "reasonable" if men of normal experience and intelligence accept it as rational and appropriate.

Even a teacher using questionable techniques or material should be protected by policies guaranteeing a fair, orderly procedure for resolving disputes. The Bill of Rights guarantees due process. Under this protection, schools may establish only those rules and policies which serve the educational functions of the schools. When a dispute arises, the rights of the accused must be carefully protected by law. The burden of proof rests on the accuser, and all charges must be substantiated.

APPROPRIATE CONSTRAINTS

In higher education, academic freedom typically means that a teacher may present and interpret his subject in any way he sees fit, as long as he demonstrates responsible standards of scholarship. One popular summary of the college teacher's role is "to seek and teach the truth as he sees it."

Using this guideline might land an elementary or high school teacher in hot water, because the function of an "el/hi" teacher is seen as quite

different from the function of a university scholar-professor. Most definitions of the role of the public school teacher would probably include such statements as

--teach the principles of our democratic heritage

--develop and maintain an atmosphere of free inquiry, open-mindedness, and impartiality

--teach in a manner consistent with students' abilities and maturity

Obviously, the role of the teacher in the public school is more constrained than that of his colleague on a college campus. And policies should reflect these constraints.

Academic freedom for teachers doesn't mean complete autonomy in how teaching and learning take place. Clearly the teacher is paid to go into the classroom and teach subjects the board has hired him to teach. But a teacher's rights should include ample latitude to make professional decisions about how a class or individual should be taught--within the teacher's particular teaching specialty. If a teacher approaches controversial subjects within that specialty, or strays somewhat outside that specialty, policies must anticipate that someone may challenge the teacher. Policies must be broad, versatile, and effective, because challenges have a way of developing unexpectedly and with considerable heat.

It should also be noted that not all controversies arise from the teacher's in-school activities, so policies might also allow for full expression of the teacher's constitutional rights out of school as well as in school. He should not be constrained from engaging in any activity which does not demonstrably affect his professional performance in a negative way. He may associate with whomever he chooses for social, political, or religious reasons, and he may certainly campaign and run for elected office. And he may espouse whatever causes or ideals he wishes in a partisan way--off campus. In short, the teacher maintains his rights as a citizen.

ACADEMIC FREEDOM AND CONTROVERSIAL TOPICS

To prepare students for adult roles in a democratic society, teachers and the schools must try to maintain an atmosphere of free inquiry. This goal frequently leads to examination of controversial issues such as race, war, social morality, and alternative forms of government--to cite just a few.

The teacher who demonstrates professional integrity in helping students examine such issues is well within the protection of the law regarding academic freedom. But if a teacher treats topics from a clearly biased point of view, without due regard for other perspectives, he jeopardizes his professional position and faces disciplinary action without recourse to protection under the umbrella of academic freedom.

But even if a teacher deals with a controversial subject in an exemplary way, a member of the community might nevertheless challenge the teacher

and the schools. Policies must therefore be written to provide guidelines to handle challenges quickly, thoroughly, and fairly. The basic responsibility that each teacher should clearly recognize is that his approach to teaching any topic, whether apparently controversial or not, should be determined by his students' previous background and their ability to comprehend and learn from the issues involved.

ACADEMIC FREEDOM AND TEACHING MATERIALS

In the sense of this kit, the phrase teaching materials or instructional materials refers essentially to core reading material, even though certain of the policy guidelines may be suitable for such media as supplementary readings, library references, guest speakers, school plays, and field trips.

To many, censorship is a dirty word. But there are frequent attempts to prevent teachers from selecting teaching materials they consider suitable for their students. This is censorship, and is an infringement of constitutional law. Attempts to censor instructional material are usually based on three kinds of complaints: (1) The language is "indecent;" (2) the action of the characters is violent, sexual, or antisocial; (3) social criticism is stated or implied.

Some attempts at censorship may seem bizarre and humorous, as with the group of parents who attempted to ban Robin Hood because they felt Robin personified Communism by taking from the rich and giving to the poor. But policies must deal with issues in a serious, constructive way, because all who try to censor teaching materials are serious and sincere in their concerns. And their rights to a fair hearing should be guaranteed by policy.

Should certain material be challenged by parents or community groups, policies should establish clear procedures to handle such challenges. All relevant facts should be collected, evaluated--possibly by a joint advisory board--and action should be taken.

In summary, the selection and use of instructional material of any kind is a natural extension of the teacher's right to academic freedom. For his part, the teacher has the responsibility to select and objectively use material that is consistent with the course of instruction and take into account the age, maturity, and ability of his students.

CONCLUSION

The message from the courts is clear regarding academic freedom. Each teacher has the professional responsibility to train students for roles in a democratic society. Although the process of teaching and learning is often abrasive to those who feel more confortable with the status quo, each teacher retains fundamental and comprehensive rights as a citizen that he doesn't shed at the schoolhouse door.

--Bruce Kezer
EPS/NSBA Special Assignment Writer

EPS/NSBA File: IAA

ACADEMIC FREEDOM

Academic freedom shall be guaranteed to teachers, and no arbitrary limitations shall be placed upon study, investigation, presentation, and interpretation of facts and ideas concerning man, human society, the physical and biological world and other branches of learning when presented in accordance with the accepted standards of the curriculum set forth by the school district.

SOURCE: School District 4, Addison, Ill.
DATE: 1971

* * * * *

Academic freedom may be defined as the right of a qualified scholar to pursue the search for truth in its many forms and to make public his methods and findings. It is the right of a qualified teacher to encourage freedom of discussion of controversial questions in the classroom and to develop in his students a love of knowledge and a desire to search for truth. The teachers should keep in mind that academic freedom is not a political right guaranteed in the Constitution, but rather a necessary condition for the successful practice of the academic profession in a free society.

It is recognized that the application of the principle of academic freedom at the common school level involves considerations which are not equally present in college or university. The teachers should take into account the relative immaturity of their students and the need for guidance and help in studying the issues and arriving at balanced views.

SOURCE: School District #21, Port Angeles, Wash.
DATE: 1967

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EPS/NSBA File: IAA

ACADEMIC FREEDOM

Academic freedom is essential to the fulfillment of the purposes of the Minneapolis Public School System. Minneapolis teachers will be protected from censorship or restraint which unreasonably interferes with their obligation to expose students to controversial issues and to help students express their own views on such issues.

The teacher's responsibility should be to show objectivity to see that various sides of controversial issues are given. To carry out this responsibility a teacher should be well informed in the areas being studied. It is recognized that any teacher has the right to have his own point of view and to express that view, but he also has the responsibility to tell his students that the statement is his view.

A public school must guard its environment from disturbing influences which might tend to inhibit learning. For this reason, individuals not involved in the teaching-learning process within the school must follow established procedures in making school contacts.

SOURCE: Special School District #1, Minneapolis, Minn.
DATE: 3/28/72

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EPS/NSBA File: IAA

ACADEMIC FREEDOM

The Board and the [East Orange Education] Association agree that academic freedom is essential to the fulfillment of the purposes of the school system, and they acknowledge the fundamental need to protect teachers from any censorship or restraint which might interfere with their obligation to pursue truth in the performance of their classroom functions. Accordingly, the Board and the Association agree that:

1. The nature of American democracy requires that citizens be able to listen to all sides of a controversial issue, sort out the facts, and arrive at independent conclusions. Students in school, therefore, have a right to be exposed to issues which are within their intellectual grasp and are under current debate in our society.

2. This right of students imposes certain obligations upon the Board, the teachers, the administration, and the community.

3. The Board will attempt through its policies to employ capable teachers, supply them with the necessary teaching materials, and maintain an atmosphere of academic freedom in the schools.

4. Teachers as individuals through their councils, committees, departments, and faculties, will be responsible for determining when and how to deal with controversial issues according to the maturity and needs of students and the policies of the Board.

5. The community has a right to expect that controversial issues will be presented in a fair and unbiased manner and to communicate through proper channels to the Board if convinced that they are not.

6. Teachers shall consult with the administration on the appropriateness of discussing any planned controversial issues with children.

SOURCE: East Orange Public Schools, East Orange, N.J.
(Contract provision)
DATE: 7/1/72

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ACADEMIC FREEDOM

1. The educator must be free to think and to express ideas, free from undue pressures of authority, and free to act within his professional group. Such freedom must be unrestricted except as it conflicts with the basic responsibility to utilize the current district course of study which each member of the profession must accept.

2. The principle of academic freedom for educators shall not supersede the basic responsibilities of the educator to the education profession. These responsibilities include: (a) a commitment to the democratic tradition as a way of life; (b) a concern for the welfare, growth, and development of children; (c) an insistence upon objective scholarship.

3. The professional staff shall be deemed competent and responsible to assist in designing the curriculum, in conformity with the laws of Washington and the rules and regulations of the State Board of Education.

4. Free interchange of ideas leading to clearer understandings at the maturity level of pupils must be expected as a part of effective teaching. A decision from the professional staff or responsible representative segment of citizens of the district, which is questioned on the basis of suitability of educational materials used, and arising out of genuine concern for maturity level, morality, patriotism, literary merit, etc., shall be resolved by utilizing established administrative channels, including when appropriate, the District Grievance Procedure.

5. An ad hoc representative professional committee of nine (9) members appointed by the constituent organizations of the Alliance shall be formed. This ad hoc committee shall include at least five (5) members of the Seattle Teachers' Association, at least one (1) member of the Seattle Principals' Association, and at least one (1) member of the Seattle Administrative and Supervisory League. The ad hoc committee shall undertake the study of any problem of academic freedom presented to it, and shall make recommendations for resolving the problem to the district.

SOURCE: Professional Agreement between Seattle School District #1 and the Seattle Alliance of Educators, Wash.
DATE: 1969-70

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ACADEMIC FREEDOM

The existence and progress of a democratic society demand that there be freedom of teaching and freedom of learning in schools of this district. The Board accepts as one of its major responsibilities the protection of these freedoms and will give all possible support, within the law, to teachers, administrators, and other staff members who are making use of their abilities and resources to maintain a climate of intellectual freedom, without license, in the schools.

Status and Conduct of Professional Staff.

Members of the professional staff are free to exercise the rights and responsibilities which belong to all citizens. The Board is legally and morally bound to protect and it will protect the civic prerogatives of the staff.

Freedom of speech and action for teachers and administrators is limited only by reasonable standards of professional conduct.

The employment and status of professional staff are not to be restricted by any discrimination as to racial origin, personal beliefs, or sex.

The Board is obligated to defend and will defend the natural intellectual rights of its professional staff on the one hand, and the welfare of students and community on the other.

Instructional Materials.

The Board holds to the belief that teachers and librarians should play a key role, in cooperation with district administrative personnel, in the selection of the materials of instruction. The Board, acting accordingly, gives to the professional staff the responsibility for scholarly appraisal of such materials (other than state-adopted texts) to be placed in classrooms and libraries.

There is expectation of, and encouragement for, the use of teaching materials which will stimulate students in attitudes of active inquiry into their world and of intelligent criticism of its political, economic, and social institutions.

Specific instructional materials do not require the Board's acceptance prior to use in a school when such materials are appropriate to the overall purpose of instruction previously approved by that Board. The Board delegates to the administrators and teachers the authority to select and use instructional materials, whether or not they are deemed to be "controversial."

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In cases where the choice of instructional material is questioned, the Board will cooperate with the teaching and administrative staff, using resources of scholarship and professional judgment, to arrive at defensible decisions. The welfare of students is the final, cogent criterion.

Controversial Issues.

Because the right to discuss and debate controversial issues is the most essential part of the student's freedom of learning, the Board will, through its school staff, encourage and protect the exercise of that right within bounds of relevancy and intelligent inquiry.

The teacher who, with professional integrity and without attempt to indoctrinate, helps his students to confront controversial issues of importance, will be defended by the Board and administration from abuse and attack from whatever sources.

Any teacher in whose instructional activity with controversial issues there is clear bias and attempt at inculcation, without due regard for other points of view, jeopardizes his professional position and faces disciplinary action.

Resource Speakers at Secondary Schools

Resource speakers may be invited to address students under the following conditions:

1. The ultimate responsibility for the invitation shall rest with the school principal.

2. It is determined by the administrators and the teachers involved that the proposed speaker will bring material of educational relevance and value to his hearers.

3. In the case of a speaker on controversial issues, the invitation does not require prior approval of the Board if the speaker is acceptable, in the judgment of the school personnel, under the following conditions:

    a. There is a presentation of speakers with varied points of view on controversial issues either on the program or within a reasonable period of time.
    b. Each speaker agrees to subject himself to questions, following his formal presentation.

Student Government, Clubs, and Publications.

These valuable leadership and participation activities will be sponsored and supported at all levels by school authorities. Responsible and democratic functioning of these organizations will be encouraged and upheld. Final responsibility and control over student body organizations and clubs

are with the principal of the school concerned.

Publication of student newspapers, journals, and annuals will receive, as an educational activity of proven value, the support and sponsorship of school authorities. Freedom of expression in such publications will be upheld, but student writers, editors, and faculty advisors must be responsible for the accuracy and propriety of their materials. Final responsibility and control over the content of such publications are with the principal of the school concerned.

Other Activities.

Other features of the school program, in addition to those referred to above, where freedom of teaching and learning may be involved, are subject to the same rationale and are to be measured with reference to the criteria listed below.

Criteria.

The Board has the legal authority to ensure that the school fulfill its obligations to its supporting society at the local, state, and national levels. The obligation in behalf of academic freedom requires that this Board cooperate with educational personnel and with the community in a judicious and open-minded manner in policies and decisions for the preservation of that freedom. It is recognized that successful action in matters of academic freedom will depend greatly upon the Board's ability to see the true relationship between the total objectives of the educational program and the values of academic freedom. Under the criteria which follow the Board will work, with its administration, for a practical and defensible balance in this relationship and will attempt to so interpret it to the community. The criteria for making judgment in matters pertaining to academic freedom within this district shall be:

1. The welfare of students, individually and collectively, in the present and for the future;
2. The intellectual maturity of the students;
3. The standards and beliefs of responsible citizens of the community;
4. The security and dignity of teachers, administrators, and other professional workers;
5. The status of the problem or issue within the framework of law as set forth by the Education Code;
6. In the case of instructional materials, the informative, literary, and general cultural values which may assist students in intellectual growth and habits of critical thought;
7. The reasonable efficiency and unity of the school as an institution with stated goals of service;
8. Informed opinion available in policy statements regarding academic freedom which have been issued by organizations of teachers, administrators, parents, school board members, and other citizens with special interest in public education.

Conclusion.

The Board's policies stated herein, together with implementing regulations, form a working plan for dealing with all matters of academic freedom. Details of school management in this regard are the responsibility of the professional staff.

In cases of alleged offense, the Board will concern itself with the maintenance of fair procedures, including attention to the rights of adequate hearing and of appeal. The Board will collaborate with the governmental structure, the State Board of Education, and the courts, to ensure just protection of the responsible exercise of academic freedom.

SOURCE: Vallejo Unified School District, Vallejo, Calif.
(Adapted and abridged)
DATE: 6/4/68

EPS/NSBA File: IAA

ACADEMIC FREEDOM

In keeping with the dictates of the Constitution of the State of Indiana that, "Knowledge and learning, generally diffused throughout a community, being essential to the preservation of a free government...,' the Board affirms its devotion to the fundamental principles of American democracy. The school system's opposition to totalitarianism--whether it takes the form of communism, fascism, attacks on religious or ethnic minorities, or attacks on freedom of the mind--shall be firm.

SOURCE: Fort Wayne Community Schools, Fort Wayne, Ind.
DATE: 10/13/69

LEGAL REF.: Constitution of the State of Indiana, Art. 8, Sec. 1

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EPS/NSBA File: IAA-R

ACADEMIC FREEDOM

Recognizing that freedom carries with it responsibility, academic freedom also carries with it academic responsibility which is determined by the basic ideals, goals, and institutions of the local community. Discussion and analysis of controversial issues should be conducted within the framework of the fundamental values of the community as they are expressed in the educational philosophy and objectives of the Fort Wayne Community Schools.

Within the preceding frame of reference and as it pertains to the course to which a teacher is assigned, academic freedom in the Fort Wayne Community Schools is defined as:

1. The right to teach and learn about controversial issues which have economic, political, scientific, or social significance;

2. The right to use materials which are relevant to the levels of ability and maturity of the students and to the purposes of the school system;

3. The right to maintain a classroom environment which is conducive to the free exchange and examination of ideas which have economic, political, scientific, or social significance;

4. The right of teachers to participate fully in the public affairs of the community;

5. The right of students to hold divergent ideas as long as the expression of their dissent is done within the guidelines of debate and discussion which are generally accepted by teachers in a normal classroom environment;

6. The right of teachers to a free expression of conscience as private citizens with the correlative responsibility of a professional presentation of balanced views relating to controversial issues as they are studied in the classroom.

SOURCE: Fort Wayne Commmunity Schools, Fort Wayne, Ind.
DATE: 10/13/69

LEGAL REF.: Burns Ann. St., 28-4338

Administrative Rules Samples **(yellow sheets) are distributed by EPS/NSBA for demonstration purposes and do not necessarily reflect official viewpoints of the National School Boards Association unless so noted above. Editing from originals has been for reasons of space, style, or coding requirements only.**

ACADEMIC FREEDOM

The American academic tradition which stresses the free contest of ideas is at the very heart of curriculum development and classroom teaching. Hence, teachers have special rights and bear special responsibilities.

It is the right of teachers:

--To participate in the development of curriculum and the selection of teaching materials

--To select for classroom study controversial issues related to the curriculum and appropriate to the maturity and intellectual and emotional capacities of the students

--To have access to adequate instructional resources so that all sides of an issue can be presented adequately

--To call upon teaching colleagues, administrators, and professional organizations for assistance and advice

--To have a written policy furnished by the local Board of Education which (a) clearly states the right of students to learn and of teachers to teach; (b) provides guidelines and safeguards for the study of controversial issues; (c) details procedures for investigating criticism of the study of controversial issues; and (d) insures fair procedures and due process should complaints arise about materials or methods of instruction

--To teach in one's area of academic competence without regard to one's personal beliefs, race, sex, or ethnic origin

--To express his own point of view in the classroom as long as he clearly indicates it is his opinion and is willing to explain his position

--To work in a climate conducive to rational and free inquiry

--To have his professional competence in dealing with controversial issues judged with reference to the context within which any specific activity occurred

--To exercise his rights as a citizen including the rights to support any side of an issue or any candidate for public office, and to seek and to hold partisan and nonpartisan public and professional positions.

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It is the responsibility of teachers:

--To insure every student his right to confront and study controversial issues

--To protect the right of every student to identify, express, and defend his opinions without penalty

--To establish with students the groundrules for the study of issues within the classroom

--To promote the fair representation of differing points of view on all issues studied

--To insure that classroom activities do not adversely reflect upon any individual or group because of race, creed, sex, or ethnic origin

--To teach students <u>how</u> to think, not <u>what</u> to think

--To adhere to the written policy concerning academic freedom established by the Board of Education

--To give students full and fair consideration when they take issue with teaching strategies, materials, course requirements, or evaluation procedures

--To exemplify objectivity in the search for truth, to demonstrate respect for minority opinion, and to recognize the function of dissent in the democratic process

SOURCE: National Council for the Social Studies
DATE: 1971

EPS/NSBA File: IAA-E

ACADEMIC FREEDOM

The National Education Association believes that academic and professional freedom are essential to the teaching profession. Controversial issues should be a part of instructional programs when judgment of the professional staff deems the issues appropriate to the curriculum and to the maturity level of the student. Academic freedom is the right of the learner and his teachers to explore, present, and discuss divergent points of view in the quest for knowledge and truth.

Professional freedom includes the teacher's right to evaluate, to criticize, and to advocate his personal point of view concerning the policies and programs of the schools. The teacher also has the right to assist colleagues when their academic or professional freedom is violated.

SOURCE: Resolution C-37 of the National Education Association
DATE: Reaffirmed 7/70

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EPS/NSBA File: IFAA/IFAB

TEXTBOOK/SUPPLEMENTARY MATERIALS SELECTION AND ADOPTION

Instructional materials selected for the Roseville Area School District shall be in accordance with the following principles:

1. Instructional materials (print and nonprint) shall be chosen for values of interest and enlightenment of all students in the community. Instructional materials shall not be exluded because of the race, nationality, or the political or religious views of the writer.

2. Every effort will be made to provide material that presents all points of view concerning the problems and issues of our times, international, national, and local. Books or other reading matter of sound factual authority shall not be prescribed or removed from library shelves or classrooms because of partisan doctrinal approval or disapproval.

3. Censorship of instructional materials shall be challenged in order to maintain the school's responsibility to provide information and enlightenment.

SOURCE: Roseville Area Public Schools, St. Paul, Minn.
DATE: 8/12/71

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EPS/NSBA File: IFBD-E

SCHOOL LIBRARIES
(Library Bill of Rights)

The Council of the American Library Association reaffirms its belief in the following basic policies which should govern the services of all libraries.

1. As a responsibility of library service, books and other library materials selected should be chosen for values of interest, information, and enlightenment of all the people of the community. In no case should library materials be excluded because of the race or nationality or the social, political, or religous view of the authors.

2. Libraries should provide books and other materials presenting all points of view concerning the problems and issues of our times; no library materials should be proscribed or removed from libraries because of partisan or doctrinal disapproval.

3. Censorship should be challenged by libraries in the maintenance of their responsibility to provide public information and enlightenment.

4. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

5. The rights of an individual to the use of a library should not be denied or abridged because of his age, race, religion, national origins, or social or political views.

6. As an institution of education for democratic living, the library should welcome the use of its meeting rooms for socially useful and cultural activities and discussion of current public questions. Such meeting places should be available on equal terms to all groups in the community regardless of the beliefs and affiliations of their members, provided that the meetings be open to the public.

SOURCE: Council of the American Library Association
DATE: 6/27/67

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EPS/NSBA File: IKB

CONTROVERSIAL ISSUES

It is the intent of the Newport-Mesa Unified School District to provide for the study of controversial issues as a part of the plan to implement the belief expressed in the District's Statement of Educational Principles, that schools accept the responsibility for assisting all students to prepare themselves to be responsible and productive members of a democratic society. Controversial issues are matters of interest upon which there is no agreement approaching unanimity among the citizens of the community, of the nation, or among the nations of the world. The fact that controversy exists with regard to an issue is considered to be prima facie evidence that there is argument in support of opposing views.

The Board recognizes that free discussion of controversial issues is at the heart of the democratic process. Students must be afforded the opportunity to acquire the fundamental qualifications for citizenship in a changing society through both an understanding of the antecedent facts and values which shaped our society and the issues and unsolved problems currently confronting society. Students must be able to study controversial issues within the ranges of their maturity and competence, free from prejudice and bias. Therefore, students and teachers are encouraged to select judiciously and consider questions for which unanimously accepted answers have been determined, to hear arguments tolerantly in opposition to each individual's own prejudices and biases, and to cultivate a habit of delaying decisions until all available facts are considered.

The superintendent is instructed to develop rules, regulations, and procedures to implement this policy for approval by the Board.

SOURCE: Newport-Mesa Unified School District, Newport Beach, Calif.
DATE: 3/7/67

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EPS/NSBA File: IKB

CONTROVERSIAL ISSUES

The presentation and discussion of controversial issues in the classroom should be on an informative basis. The teachers should guard against giving their personal opinions on sectarian or political questions or any other controversial issues until the students have had the opportunity to find, collect, and assemble factual material on the subject; to interpret the data without prejudice; to reconsider assumptions and claims and to reach their own conclusions. By refraining from expressing personal views before and during the period of research and study, the teacher is encouraging the students to search after truth and to think for themselves. The development of an ability to meet issues without prejudice and to withhold judgments while facts are being collected, assembled, weighed, and relationships seen before drawing inferences or conclusions, is among the most valuable outcomes of a free educational system.

The policy can best be described by listing three basic rights of the student:

1. The right to study controversial issues which have political, economic, or social significance on which, at his level, he should begin to have an opinion.

2. The right to study under competent instruction in an atmosphere free from bias and prejudice.

3. The right of access to all relevant information freely available in the school or public libraries.

Emotional criticism and the promotion of a cause within the classroom are inappropriate and unscholarly. The teacher's attitude should be that of the true scholar which is truthseeking, open-minded, and tolerant.

SOURCE: School District #21, Port Angeles, Wash.
DATE: 1967

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CONTROVERSIAL ISSUES

Education for effective citizenship is a major goal of the Glencoe Schools. To achieve this purpose, students should have an opportunity to examine controversial issues within the context of their formal educational experiences. Accordingly, it shall be the purpose of this policy to establish guidelines within which the professional staff and students of Glencoe can teach and learn about controversial issues.

Students' Rights and Responsibilities.

1. To research, study, and discuss significant issues and to reach judgments and express opinions without jeopardizing their relationship with classmates or teachers.

2. To learn in an open classroom and school climate so that they feel free to examine any aspect of a controversial issue.

3. To study under competent instruction in an impartial atmosphere and have access to relevant material.

4. To recognize that reasonable compromise is often an important facet in decisionmaking in our society.

5. To respect minority opinion.

Teacher Rights and Responsibilities.

1. To be free to conduct study and discussion of controversial issues without fear of reprisal, as long as the teacher maintains a high degree of impartiality.

2. To treat controversial topics as impartially and as objectively as possible and to stress the possibility of alternate and/or divergent positions and opinions.

3. To determine the degree and extent of consideration given to a specific controversial issue based upon the knowledge, maturity, and competence of the student and class.

4. To reveal one's opinion in the degree and at the time one feels most appropriate as long as adequate effort is made to advise students that a personal opinion rather than a factual and authoritative statement is expressed and in a manner in which the opinion does not interfere with the evaluation process of the student.

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5. To be assured that the teacher will not be required to handle each and all controversial issues and subjects.

6. To insure that an accurate, factual, and balanced presentation of materials is readily available for the student.

7. To have assurance that parents will be directed and encouraged to take their questions and comments directly to the teacher concerned.

The Board's position in this matter applies to the regular curriculum of the schools and to extracurricular activities before and after school, within the school building or outside of the school, wherever school or school-related groups are involved. Teachers conducting study and discussion according to the intent of this policy will be protected by the Board from unjust criticism and charges by every means at its disposal, including legal.

SOURCE: School District #35, Glencoe, Ill.
DATE: 2/22/71

EPS/NSBA File: KNBA

COMPLAINTS ABOUT INSTRUCTIONAL MATERIALS

The Regional School District #13 Board, though it is finally responsible for all book purchases, recognizes the student's right of free access to many different types of books. The Board also recognizes the right of teachers and administrators to select books and other materials in accord with current trends in education and to make them available in the schools. It is therefore the policy of the Regional School District #13 Board to require the materials selected for our school be in accord with the following:

1. Books and other reading matter shall be chosen for values of interest and enlightenment of all students in the community. A book shall not be excluded because of the race, nationality, political, or religious views of the writer or of its style and language.

2. Every effort will be made to provide materials that present all points of view concerning the problems and issues of our times, international, national, and local, and books or other reading matter of sound factual authority shall not be prescribed or removed from library shelves or classrooms because of partisan, doctrinal approval or disapproval.

3. Censorship of books shall be challenged in order to maintain the school's responsibility to provide information and enlightenment.

In accordance with No. 3 above, the Board has adopted the following policy when dealing with censorship of books or other materials:

1. That the final decision for controversial reading matter shall rest with the Board after careful examination and discussion of the book or reading matter with school officials or anyone else the Board may wish to involve.

2. That no parent or group of parents has the right to determine the reading matter for students other than their own children.

3. The Board does, however, recognize the right of an individual parent to request that his child not have to read a given book, provided a written request is made to the appropriate building principal.

4. Any parent who wishes to request reconsideration of the use of any book in the school must make such a request in writing on forms provided through building principals.

SOURCE: Regional School District #13, Durham, Conn.
DATE: 1969

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EPS/NSBA File: KNBA-E

COMPLAINTS ABOUT INSTRUCTIONAL MATERIALS
(Citizen's Request for Reconsideration of a Book)

Author _____ Hardcover ___ Paperback ___

Title _____

Publisher (if known) _____

Request initiated by _____
Telephone _____ Address _____ City _____

Complainant represents: ___ himself
___ (name organization) _____
___ (identify other group) _____

1. To what in the book do you object? (Please be specific; cite pages)

_____

2. What do you feel might be the result of reading this book? _____

_____

3. For what age group would you recommend this book? _____

4. Is there anything good about this book? _____

5. Did you read the entire book? _____ What parts? _____

6. Are you aware of the judgment of this book by literary critics? _____

7. What do you believe is the theme of this book? _____

8. What would you like the library to do about this book?
_____ do not assign it to students
_____ withdraw it from all patrons of the library
_____ refer it to the Library Board for reevaluation

9. In its place what book of equal literary quality would you recommend that would convey as valuable a picture and perspective of our civilization? _____

_____
Signature of Complainant

NOTE: Variations of this form, originally developed and disseminated by the National Council of Teachers of English, appear in the policy manuals of many hundreds of school districts across the country.

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EPS/NSBA File: IAA-E

ACADEMIC FREEDOM
(Checklist for Policies on Academic Freedom and Related Topics)

Should our school board policies:	YES	NO
1. State the general recognition that teachers are free to exercise the right of academic freedom in our classrooms?	___	___
2. Declare the intention of the Board to protect teachers from the denial of their right of academic freedom?	___	___
3. Provide guidelines for instruction about controversial issues?	___	___
4. Provide guidelines for the selection and adoption of instructional materials?	___	___
5. Provide guidelines for outside speakers and resource persons?	___	___
6. Provide guidelines for student publications and activities?	___	___
7. Provide procedures for a fair and thorough review of public complaints concerning instructional matters or materials?	___	___
8. Establish a communication system to gather all pertinent facts necessary for a decision?	___	___
9. Provide for a calm, deliberate review of the facts of a challenge to academic freedom?	___	___
10. Establish an advisory committee (board-staff; board-staff-community; etc.) to advise the Board on issues pertaining to academic freedom?	___	___
11. Provide for due process rights for teachers when controversy arises including rights to an adequate hearing and to appeal?	___	___

SOURCE: EPS/NSBA
DATE: 5/73

NOTE: EPS/NSBA recommends the development of separate policy statements on Academic Freedom, the Selection of Instructional Materials, the Teaching of Controversial Issues, etc., according to the descriptors to be found in the EPS/NSBA school board policy classification system.